

2015 APAAC ANNUAL SUPPORT STAFF CONFERENCE

July 31, 2015
Prescott, Arizona



JEOPARDY! Prosecution Edition!

Presented By:

Elizabeth Ortiz
Executive Director, APAAC
Phoenix, AZ

Distributed By:

ARIZONA PROSECUTING ATTORNEYS' ADVISORY COUNCIL
1951 W. Camelback Road, Suite 202
Phoenix, Arizona 85015

ELIZABETH ORTIZ
EXECUTIVE DIRECTOR

KIM MACEACHERN
STAFF ATTORNEY

Arizona Prosecuting Attorneys' Advisory Council

"Empowering Arizona's prosecutors to administer justice and contribute to public safety through training and advocacy."



HISTORY

On November 26, 1973, the County Attorneys formed a service association for coordinating training for the prosecutor community, saving repetition of that function in each agency while ensuring consistent and timely dissemination of prosecutorial education and experience statewide. This collaboration exploited the exponential benefits of pooling talent and resources and remains an efficient mechanism for providing the continuing legal education and achieving high prosecutorial standards. In 1977, the legislature authorized the Arizona Prosecuting Attorneys' Advisory Council, expanding the membership to the Attorney General, all County Attorneys, and City Prosecutors from cities with greater than 250,000 population, and one prosecutor representing all other municipalities, as well as one of the deans of the state's two law schools.

APAAC STAFF

Staff consists of five positions: Executive Director, Staff Attorney, Office Manager, Meeting and Technology Coordinator, and Administrative Assistant. Interns and externs from the state's law schools supplement the workforce.

APAAC COUNCIL



Kenneth A. Angle
Graham County Attorney

Kenneth A. Angle is the County Attorney for Graham County. The county attorney's office and superior court is located in Safford, Arizona. County Attorney Angle and his staff prosecute the felony cases for the jurisdiction.



Bradley Beauchamp
Gila County Attorney

Bradley Beauchamp is the county attorney for Gila County. Gila County Superior Court and offices are located both in Globe and in Payson, Arizona. County Attorney Beauchamp and his staff prosecute the felony cases for Gila County's jurisdiction.



John Belatti
Mesa City Prosecutor

John L. Belatti began his legal career in 1986 as a Superior Court bailiff in Seattle, Washington. After two years in a construction law litigation firm, he joined the King County Prosecutor's Office in Seattle, where he worked for eleven years. Mr. Belatti moved from being a Deputy Prosecutor handling drug, property, violent and sex crimes, to a Senior Deputy Prosecutor handling more serious crimes and homicides. He was on the appellate unit for several years, arguing before the state Court of Appeals and Supreme Court, before becoming the Managing Attorney for the prosecutor's office at King County's new Regional Justice Center. In 2001, Mr. Belatti moved to Arizona and joined the Scottsdale City Prosecutor's Office, where he worked for several years before crossing to the civil division and handling civil litigation for the Scottsdale City Attorney's Office. In 2009, Mr. Belatti became the Chandler City Prosecutor, and in 2014 he was named the Mesa City Prosecutor.



Mark Brnovich
Arizona Attorney General

Mark Brnovich is the son of an immigrant mother who legally emigrated from the former Yugoslavia in the 1950's to escape the horrors of communism.

The family moved to Arizona in the 1960's from Detroit, Michigan and Mark grew up in Phoenix and attended public schools from first grade through high school. Mark went on to graduate from Arizona State University (BS, political science, cum laude). Like many Arizonans, he was drawn to San Diego, where he graduated from law school (University of San Diego 1991) but returned to his roots in Arizona after graduation.

Mark met his wife Susan while they both worked as prosecutors for the Maricopa County Attorney's Office. Mark worked in the Gang/Repeat Offender Unit and prosecuted many difficult and high profile cases from 1992 to 1998. Always interested in new challenges, he went on to work at the Arizona Attorney General's Office (1998-2003) and represented the Arizona Department of Gaming, where he developed an expertise in gambling law.

Mark previously served as the Director of the Goldwater Institute's Center for Constitutional Government, and authored numerous studies, articles, and briefs advocating for free markets and individual liberty. He also briefly served as a Senior Director for the Corrections Corporation of America before returning to his roots as a prosecutor and public servant. Mark has served as an Assistant United States Attorney where he prosecuted public integrity crimes, as well as, crimes occurring in Indian Country.

He left the U.S. Attorney's Office to serve the people of Arizona as the Director of the Arizona Department of Gaming, a law enforcement agency that investigates illegal gambling activity and coordinates efforts with tribal regulators to ensure the integrity of tribal gaming. During his four-year tenure, the Department seized hundreds of illegal gambling devices for the first time in the agency's history, led investigations, and assisted in the prosecution of illegal gambling



David K. Byers

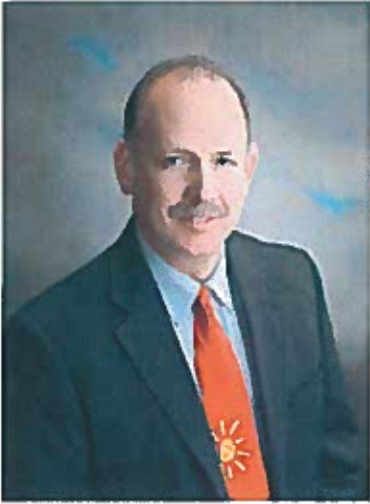
AZ Supreme Court Administrative Director

Dave Byers was appointed Administrative Director of the Courts in 1992. Dave has been with the Supreme Court since 1978, holding a variety of positions including Director of the State Foster Care Review Board System, Director of the Program Services Division, Director of Adult and Juvenile Probation, and Deputy Director of the Supreme Court.

As Director, he assists in the oversight and administration of a court system that employs 10,000 people and operates in more than 200 locations, processes more than 2.6 million cases per year; supervises 42,000 adult felons on probation; and has a combined budget from all courts in excess of \$550 million dollars. The Supreme Court also oversees the State Bar of Arizona and the discipline process for the State's 15,000 plus attorneys.

He received his B.A. degree in Iowa and his M.A. degree from Arizona State University. He has served as the President of the National Association of Foster Care Reviewers, as Founder of the Arizona Friends of Foster Care Foundation, and as the Chairman of the Board of the State's Social Services Indemnity Pool. He served as president of the Conference of State Court Administrators (COSCA) and as Vice President of the National Center for State Courts, he serves on the Department of Justice – Global Advisory Commission, Arizona Criminal Justice Commission, the Board of Directors of the Arizona Prosecuting Attorney's Advisory Council, and the Board of Governors of the State Bar of Arizona. He is currently Vice-chair of the Board of Trustees of the state's \$27B retirement system

He is married to Linda, a 3rd grade school teacher, and they have three grown children and two grandchildren.



Brad Carlyon
Navajo County Attorney

Brad Carlyon has served as Navajo County Attorney since 2008. He was honored nationally as the 2011 County Attorney of the Year by WeTip for fighting drug trafficking and abuse, establishing the Navajo County Domestic Violence Court, and leading the effort to establish Family Advocacy Centers in Show Low and Holbrook. The award also lauds Brad's role in creating a multi-disciplinary Domestic Violence Fatality Review Team and annual Victims' Rights Symposiums.

Brad has earned the U.S. Attorney's Special Award from the Law Enforcement Coordinating Committee for work to enhance cooperation among federal, state, tribal, county and municipal law enforcement agencies. Arizona Capital Times named Brad the 2012 Leader of the Year in Public Policy. Brad created the Navajo County Homicide Task Force and also an Arson Task Force.



Baird Greene
Tucson City Prosecutor

Baird Greene is a native Tucsonan and proud graduate of the University of Arizona where he earned a Bachelor's degree in German in 1987 and a Juris Doctorate in 1990. He worked 15 years at the Pima County Attorney's Office, both for Steven Neely and Barbara LaWall. While there he tried over 125 felony cases to verdict, including 20 murder trials. In addition to doing trial work, he supervised the Misdemeanor, Property Crimes, Violent Offenses and Narcotics Units. For the next 5 years he was Legal Advisor at the

Tucson Police Department, advising approximately 1500 peace officers and police civilian employees on both criminal and civil legal issues.

With 32 prosecutors and 34 support staff, and with around 50,000 criminal charges to prosecute in the City Court each year, his current position, supervising the Tucson City Prosecutor's Office, has become Baird's most challenging and most enjoyable endeavor yet.

Baird enjoys scuba diving, fitness, and the company of his two bright and energetic daughters.



Vicki Hill
Interim Phoenix City Prosecutor

Vicki Hill is the Acting City Prosecutor for the City of Phoenix. Ms. Hill joined the Prosecutor's Office in January 1994. She received her J.D. from Creighton University College of Law in 1993 and her Bachelor of Arts degree in English Literature from Arizona State University in 1986. She has been a member of the Trial Bureau and Training Unit. Most recently, she held the position of Chief Assistant City Prosecutor/Trial Bureau Chief.

Ms. Hill previously supervised the Domestic Violence Unit and was a co-chair of the City Domestic Violence Task Force. She has lectured on "Search and Seizure" and "Courtroom Demeanor" at the Phoenix Regional Police Academy, and was a co-presenter of "Scientific Evidence" at the Northwestern University Eighteenth Annual Vehicular Homicide/DWI Conference. In February 2015, Vicki participated in the Body-Worn Camera Expert Panel for the U.S. Department of Justice's Office of Justice Programs' Bureau of Justice Assistance (BJA) in Washington D.C.



Barbara LaWall
Pima County Attorney

In 1996, Barbara LaWall was the first woman to be elected Pima County Attorney. She is currently serving her fourth term. Ms. LaWall graduated from The University of Arizona College of Law in 1976 and began her career as a Deputy Pima County Attorney, then served as Chief Criminal Deputy and Chief Deputy before being elected Pima County Attorney.

As Pima County Attorney, tough prosecution, holding criminals accountable, crime prevention, providing quality victim services and running a cost-effective office are her top priorities.

Ms. LaWall is a nationally recognized prosecutor. She is a board member and Past Vice-President of the National District Attorney's Association. She was elected to chair the Board of Trustees of the American Prosecutors Research Institute, and she is a member of the American Prosecutors Research Institute (APRI) Advisory Committee on Juvenile Justice. Ms. LaWall also

teaches for the National College of District Attorneys and for the District Attorneys National Advocacy Center.

Ms. LaWall serves on the Arizona Criminal Justice Commission and was chair for two years. In addition, she was appointed by Governor Janet Napolitano to chair the search committee for the Director of the State Department of Corrections and to chair the Governor's Statewide Methamphetamine Task Force.

She has received the LULAC/FBI 2009 Community Service Award; MADD 2009 Southern Arizona Community Champions Award; Arizona Women's Political Caucus Tucson Chapter 2009 Mim Morris Women Making History Award; University of Arizona Program in Criminal Law and Policy 2009 Certificate of Appreciation; Arizona State Bar 2009 Michael C. Cudahy Criminal Justice Award; 2008 LULAC 19th Annual Youth Leadership Conference – Presidential Citation Community Service Award; National Advocacy Center's 2008 Distinguished Faculty Award, the National District Attorneys Association's most prestigious teaching award; 2008 Compass Award - Men's Anti-Violence Partnership of Southern Arizona; 2008 Law Enforcement Coordinating Council of the U.S. Attorney's Office (LECC) Ethical Leadership Award; National College of District Attorneys' 2007 Lecturer of Merit Award; YWCA Women on the Move Award; Arizona State Bar Association, Law Related Education Award; and the Arizona Women's Lawyer Alice Truman Leadership Award.

Ms. LaWall is a board member of the YWCA-Tucson and an advisory board member of the Pima County Children's Advocacy Center and Big Brothers & Big Sisters of Tucson.



Brian McIntyre
Interim Cochise County Attorney

Brian McIntyre is a native of Cochise County and third generation Arizonan. He was born and raised in Douglas and now lives in Sierra Vista with his wife and two daughters. He was appointed by the Cochise County Board of Supervisors to complete the remaining two years of Ed Rheinheimer's term after Ed's retirement. Brian holds a Bachelor of Science degree from Arizona State University (GO SUN DEVILS!) in Justice Studies and a Juris Doctorate from the Tulane University School of Law in New Orleans, Louisiana. He has been a prosecutor for the majority of his legal career. He began in misdemeanors working in a now condemned basement office, moved up to felonies in 2009, and swore in as County Attorney in January, 2015. When not working or shuttling his children to school/sporting events, he can probably be found at a pool table with his wife practicing for his retirement career.



Bill Montgomery
Maricopa County Attorney

Bill Montgomery was elected Maricopa County Attorney in 2010 on a pledge to fight crime, honor victims' rights, and protect and strengthen our community. As a West Point Graduate, decorated Gulf War Veteran, professional prosecutor and former Deputy County Attorney, he has dedicated his personal and professional life to serving others.

Raised in a single-parent household just south of Los Angeles, Bill learned early the lessons of hard work and perseverance, graduating near the top of his high school class and becoming the first graduate to attend the United States Military Academy at West Point, New York. His leadership style was subsequently tested on the battlefield as a Tank Platoon leader during Operations Desert Shield and Desert Storm, where he led missions protecting U.S. operations from Iraqi forces. He was awarded a Bronze Star Medal for Meritorious Service for his contribution to the liberation of Kuwait, and was later promoted to the rank of Captain, ultimately rising to the rank of Major while serving in the Individual Ready Reserve.

Following his military service and work in the private sector, Bill earned his J.D. from ASU Law School, graduating Magna Cum Laude and receiving the prestigious Order of the Coif. He went to work for the Maricopa County Attorney's Office where he quickly gained a reputation as an aggressive prosecutor and tireless advocate for victims' rights, garnering tough sentences for felony drunk drivers, serious repeat felons and gang members. He also supervised prosecutions in the Auto Theft Bureau, which recorded a 35% drop in auto theft under his leadership.

As County Attorney, Bill is committed to vigorously prosecuting crimes and holding criminals accountable, including crimes associated with illegal immigration. He is committed to partnering with law enforcement along with business and civic leaders to protect and strengthen our communities, and strongly supports the involvement of local law enforcement in assisting with enforcement of our immigration laws.

Recognizing that violent child sexual predators cannot be rehabilitated, Bill has been an outspoken advocate for life sentences for these offenders. He also supports GPS monitoring for other convicted child molesters, and Internet sting operations to capture child predators

before they get the chance to victimize children. His goal is to let would-be child predators know they will find no safe haven in Arizona.

Bill is equally determined to fight fraud and identity theft through the County Attorney's specialized Fraud and Identity Theft Enforcement bureau. He also supports the Castle Doctrine Law, which recognizes a citizen's right to defend his or her family without fear of prosecution; and Arizona's Three Strikes Law, which targets repeat violent criminals. Bill has helped shape legislation designed to protect victims of crime and reform Child Protective Services, and he continues to be a passionate advocate for Victims Rights in Arizona as Maricopa County Attorney.

Bill currently resides in Gilbert, Arizona with his wife and their children.



Sheila Polk
Yavapai County Attorney
APAAC Chair

Sheila Polk was elected in November of 2000 and is the first female to hold the office of Yavapai County Attorney. She is currently serving her third 4-year term.

A 1982 graduate of ASU Law School, Ms. Polk began her career as a law clerk at the Arizona Supreme Court for Justice Jack D.H. Hays, then served as an Assistant Arizona Attorney General in both the civil and criminal divisions of the office until 1994 when she and her family moved to Prescott. There, Ms. Polk worked as a deputy county attorney in the Yavapai County Attorney's Office and was awarded the Arizona Outstanding Felony Prosecutor for Small Counties in 2000. Among her accomplishments in office are her work to mobilize the community to proactively address methamphetamine and substance abuse issues, the development of the county's Early Disposition Court that was awarded the 2004 Arizona Supreme Court Justice For Better Arizona Award, her outreach to the United States Holocaust Memorial Museum to develop an ethics program for prosecutors titled "Law and Society: Lessons of the Holocaust," and her establishment of the Northern Arizona Animal Cruelty Task Force.

Ms. Polk is an active member of the Prescott community where she and her husband of 27 years have raised their three sons. Ms. Polk is involved in the Yavapai Big Brothers Big Sisters organization and mentors a "Little Sister."



Derek D. Rapier
Greenlee County Attorney

Derek D. Rapier is a fourth generation native of Arizona and Greenlee County and was first elected Greenlee County Attorney in 1996.

After attending Eastern Arizona College, Mr. Rapier graduated with a degree in Business Finance from Brigham Young University in 1989. He then attended BYU's J. Rueben Clark Law School, graduating with honors in 1992. Between graduation and his election Mr. Rapier became licensed in both Arizona and New Mexico, served as a deputy county attorney and ran a successful private law practice.

Mr. Rapier has served as the Chairman of the APAAC and is currently serving as the 1st Vice President of the Arizona Association of Counties and had the honor of serving as President of that organization. Mr. Rapier also serves as a member of the Justice and Public Safety Steering Committee of the National Association of Counties.

Mr. Rapier has served locally on the Multidisciplinary Child Abuse Review Team, Police Athletic League Board, Family Advocacy Center Planning Committee, Junior Livestock Board, and economic development committees. He is also involved with the Boy Scouts of America and various church youth organizations and serves as a lay minister in his church congregation.

Mr. Rapier and his wife Becky are the proud parents of eight children and are most happy when they are following their kids in their many activities.



Tony Rogers
La Paz County Attorney

Tony Rogers was elected as the La Paz County Attorney in 2013. In his first stint as an elected official, and as a County Attorney, Mr. Rogers has taken a “hands on” approach and has personally prosecuted several high profile cases. Mr. Rogers is currently President of the Arizona County Attorney and Sheriffs Association (ACASA), and serves on the APAAC Best Practices Committee. Prior to his election as the La Paz County Attorney, Mr. Rogers was the appointed La Paz County Public Defender. Having served as lead official of both the Defense and Prosecution offices, Mr. Rogers has the unique perspective of a veteran of “both sides of the fence.”

Mr. Rogers received his J.D. degree from the U.C.L.A. School Law in 1987. Mr. Rogers is married and the father of two daughters.



David Rozema
Coconino County Attorney

David Rozema was elected as Coconino County Attorney on November 4, 2008, and he took office on January 6, 2009. Previously, Mr. Rozema served as Chief Deputy for the office from 1996-2008.

Dave is a strong advocate for collaborating with the community on prevention efforts and other types of community service. He has served Coconino County in many capacities over twenty years, including Big Brothers Big Sisters, United Way, Flagstaff Leadership Program, Citizens Against Substance Abuse and the Western Navajo-Hopi Meth Task Force.

Mr. Rozema received a Bachelor’s Degree in Social Work (Outstanding Graduate) from Arizona State University in 1983, where he also graduated from the College of Law in 1986. He is Past President of the Coconino County Bar Association and is also a licensed attorney with the Navajo Nation, where he previously served as an elected Commissioner with the Navajo Nation Bar Association.



Tobin Sidles
Oro Valley Town Prosecutor

Tobin C. Sidles is a veteran misdemeanor prosecutor currently working for the Town of Oro Valley, where he has been the Town Prosecutor for over twenty years. Tobin is a 1982 graduate of Northern Arizona University with a Bachelor's degree in Psychology, and also a Master's degree in Public Administration. He is a 1985 graduate of the University of Arizona School of Law. He has worked for several jurisdictions as a special prosecutor, handling misdemeanors and felony conflict cases.

Tobin currently resides in Tucson, Arizona with his wife and two children.



George E. Silva
Santa Cruz County Attorney

Mr. George E. Silva is the Santa Cruz County Attorney and was elected to his post on November of 2004. As the County Attorney, Mr. Silva prosecutes all felony and juvenile offenses which occur in the County and all misdemeanor offenses which occur in the unincorporated areas of the County. Moreover, he provides legal advice to the County Board of Supervisors and all the County Departments. In addition, he represents school districts and fire districts within the county.

As the County Attorney, Mr. Silva is an advocate for our youth and is very active in his community with his "You have the Power" campaign. This campaign empowers our youth and teaches them that only they have the power to make good, healthy choices in life. Good and healthy choices will allow our youth to realize their dreams, goals, and full potential.

Prior to his election to the County Attorney's Office, Mr. Silva worked as an Assistant City Attorney for the City of Nogales. He also worked in the Santa Cruz County Attorney's Office for approximately five years as a Deputy County Attorney. As a Deputy County Attorney, he was assigned to the Juvenile Prosecution Division, the Misdemeanor Prosecution Division, and the Drug Enforcement Prosecution Division assigned to the Santa Cruz County Metro Task Force

(Narcotics). As a Drug Prosecutor, he worked on Operation Apache. Operation Apache consisted of infiltrating the Nogales High School with an undercover police officer pretending to be a student. The undercover officer was able to identify key drug dealers in the school which resulted in successful prosecutions. Mr. Silva also worked as a Law Clerk for the City of Tucson Public Defenders Office. Aside from his work experience, Mr. Silva also enlisted in the United States Army Reserve and served his country for eight years as a Legal Specialist. He was Honorably Discharged in 1999.

George Silva is a proud graduate of Nogales High School. Upon his graduation from Nogales High School in 1989, he attended Arizona State University in Tempe, Arizona. Mr. Silva obtained a Bachelor of Science degree from ASU on May 1994. He then enrolled in the University of Arizona College of law and obtained his Juris Doctor in Law on May 1997. Although Mr. Silva attended both ASU and the U of A, he considers himself a proud Sun Devil.



Jon R. Smith
Yuma County Attorney

Jon R. Smith has served as the Yuma County Attorney since December of 2004. From April 2001 until then, he served as the Chief Civil Deputy County Attorney. From October 1993 until April 2001, Mr. Smith was an associate attorney for Bowman & Smith, P.C., concentrating his practice in civil plaintiff litigation and public practice defense. He received his Juris Doctor degree from the Thomas M. Cooley Law School, Cum Laude, where he served as Assistant Editor for Law Review. He obtained his undergraduate

degree from the University of Arizona.

Mr. Smith was President of the Yuma County Bar Association (2000) and Young Lawyers Division (1995), and Chairman of the Yuma County Methamphetamine Coalition (2007). He also served as Vice President (2007) and President (2008) of the Arizona County Attorneys' and Sheriffs' Association. He is a member the National District Attorneys' Association and the Arizona Prosecuting Attorneys' Advisory Counsel, and a past member of the Arizona Trial Lawyers' Association and Association of Trial Lawyers of America. He also served as co-coordinator for the Arizona State Mock Trial Program for the last decade and continues to assist in the program locally. Mr. Smith is licensed to practice before the Arizona Supreme Court, the Colorado Supreme Court, the United States District Court, District of Arizona and the United States Supreme Court.



Matt Smith
Mohave County Attorney

Matt Smith was recommended by former Mohave County Attorney Bill Ekstrom in December of 2003, and unanimously selected by the Mohave County Board of Supervisors to fill out Ekstrom's unexpired term. He was elected as Mohave County Attorney in November of 2004, and was re-elected in November, 2008 for a second term. Matt is a graduate of the University of Arizona with a J.D. in 1985 and Gannon University in Erie, Pennsylvania with a B.A. in Political Science in 1982. He moved to Kingman in 1987. He is married, and he and his wife, Margaret, have two young daughters, Julianna and Bridgette. Matt began his legal career as a prosecutor with the Mohave County Attorney's Office 21 years ago and served the community as head of the felony trial division for the last 7 years. As County Attorney he supervises an office of 21 prosecutors and 5 civil deputies. He continues to do trial work and specializes in handling death penalty and child molestation cases.



Dean Douglas Sylvester
Sandra Day O'Connor College of Law
Professor of Law, Faculty Fellow, Center for Law, Science & Innovation

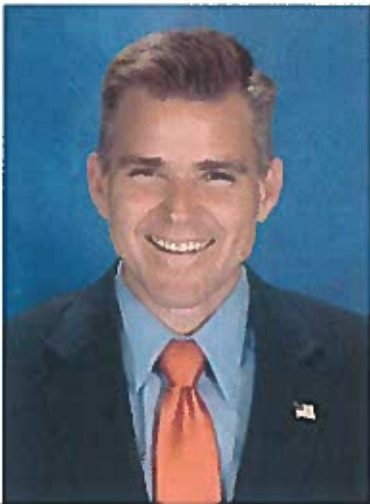
Douglas Sylvester was named Dean of the College of Law in March 2012. He served as Interim Dean for 10 months. Previously, he was Associate Dean for Faculty Research and Development, and was responsible for building an environment that fosters faculty scholarship, organizing speaker series, mentoring junior faculty, and seeking innovative ways to increase the faculty's visibility.

Dean Sylvester has published, taught and lectured on issues of intellectual property law and commercialization, international law, emerging technologies and privacy. In 2006, he taught Nanotechnology and the Law, the first time such a course was offered in the country by full-time law faculty.

In 2007, Dean Sylvester was appointed Special Consultant to a National Academy of Sciences panel charged with reforming the U.S. Census. He was the founding Faculty Director of the

innovative Technology Ventures Clinic, which introduces students to transactional legal practice in high-technology sectors. In recent years, Dean Sylvester also has been an expert witness in cases involving licensing, intellectual property and technology, and has advised numerous entrepreneurs in building their businesses.

Prior to joining the College faculty, Dean Sylvester was a Bigelow Fellow and Lecturer-in-Law at the University of Chicago, a Lecturer-in-Law at Northwestern University, and an attorney in the Global e-Commerce Practice Group at Baker & McKenzie in Chicago, and he clerked for U.S. District Judge C. Clyde Atkins in Florida.



Lando Voyles
Pinal County Attorney

Lando Voyles lives in Pinal County, Arizona, with his wife and two beautiful daughters, where he serves as the Pinal County Attorney. Growing up in rural Texas, Lando Voyles graduated from Weatherford High School, located in Northeast Texas, about thirty minutes from the Dallas-Ft. Worth Metro-area. Lando went on to complete his Bachelor of Arts at Brigham Young University, UT and received his Juris Doctorate from William Mitchell College of Law, MN.

After receiving his Juris Doctorate, Lando began working within the Major Crimes Division in the Maricopa County Attorney's Office in 2003. While there, he consistently carried between 40 and 100 cases, ranging from homicide to dangerous crimes against children to gang related criminal cases. Among other accomplishments, Lando prosecuted more than 80 felony jury trials, numerous misdemeanor jury and bench trials, presented more than 100 grand jury hearings, and litigated probable cause and probation violation hearings.

In 2005, Lando began teaching at Mesa Community College, in Arizona. As an Adjunct Faculty member, he instructs on various topics, including Constitutional Criminal Procedure, Criminal Law, and Rules of Evidence. Further contributing to the community, he joined and volunteers as a Board Member with the Maricopa Police Foundation providing needed equipment and training to the Maricopa Police Department. Through fundraising and charitable endeavors, the Maricopa Police Foundation assisted in the graffiti abatement program, obtaining bullet proof vests for Officers and K-9 Officers, and supplying various other Police Departmental needs.

Sworn in as the Pinal County Attorney at the end of December 2012, Lando Voyles immediately started working to remove dangerous and sexual criminals from Pinal County through various systematic and strategic changes. By restructuring to a vertically-structured prosecutorial system, Lando leverages the resources of the Office to work more closely with law enforcement as cases are processed, closely monitor the chain of custody of evidence, and enable prosecutors to oversee cases from crime scene to sentencing. Additionally by altering the philosophy of the Office of the Pinal County Attorney, Lando also seeks to prosecute individuals suspected in crimes involving mandatory sentencing. More recently, Lando started exploring various avenues to expedite DNA testing in cases involving individuals with high threat potential removing suspected dangerous and suspected sexual criminals from our streets quicker.

For more information regarding Pinal County Attorney Lando Voyles and the changes he makes in his Office to make the neighborhoods of Pinal County safer, contact the Office at 520.866.6271.



Rob Walecki
Glendale City Prosecutor

Rob Walecki serves as the City Prosecutor for the City of Glendale. He has been with the City Prosecutor's Office for seventeen years. He joined the Office in 1995 as an Assistant City Prosecutor. In 2003 he was promoted to the position of a Senior Assistant City Prosecutor and in 2007 he became the City Prosecutor. Prior to joining the Office he worked for five years at the Maricopa County Attorney's Office trial division as a Deputy County Attorney. He is admitted to practice law in Arizona and Ohio.

Rob was born and grew up in communist Poland. In the late 1970's he escaped and received Political Asylum in the United States. He graduated from the University of Colorado with a Bachelor's degree in History. He received his law degree from the University of Cincinnati in 1990.

Rob lives in Glendale with his wife and two sons.



Michael Whiting
Apache County Attorney

Michael Whiting is a lifelong resident of Apache County. Both sides of Mr. Whiting's family have lived in Apache County for five generations. Mr. Whiting and his wife have been married for 15 years.

After graduating from High School, he attended Arizona State University's College of Engineering. There he received a Bachelor of Science with honors. After graduating from college he then enrolled and graduated from law school at Arizona State University. One of

the awards he received in law school was the highest score in the "Oral Argument Competition".

Before being elected as the Apache County Attorney, he worked for the law firm of Aspey, Watkins and Diesel in Flagstaff, Arizona. He then went on to represent various irrigation companies, ranchers and Northern Arizona towns in the Little Colorado River General Stream Adjudication. These complex civil issues allowed him to sharpen his civil law skills while working with various Native American tribes, the State of Arizona and the United States of America.

As the Apache County Attorney he represents the county in all legal matters, both criminal and civil. He directs and oversees a staff of about 20 employees. Mr. Whiting is well versed in criminal law and has personally prosecuted cases ranging from simple misdemeanors to homicides. He is currently prosecuting the youngest murder case in the history of the United States, where an eight year old shot and killed his father and a family friend. He is also currently prosecuting the youngest serial killer case in the history of the United States. He is one of the youngest attorneys to ever be elected as a County Attorney. Mr. Whiting is a member of the Arizona State Bar Association, he is admitted to practice in all courts in the state of Arizona and he is admitted to practice before the United States District Court for the District of Arizona.

STRUCTURE

APAAC serves 781 Arizona prosecutors:

OFFICE	# OF PROSECUTORS
Apache County	4
Cochise County	15
Coconino County	16
Gila County	12
Graham County	4
Greenlee County	3
La Paz County	6
Maricopa County	337
Mohave County	19
Navajo County	14
Pima County	70
Pinal County	31
Santa Cruz County	6
Yavapai County	26
Yuma County	18
Attorney General's Office	78
City of Apache Junction	1
City of Casa Grande	1
City of Chandler	7
City of Glendale	7
Lake Havasu City	2
City of Mesa	16
Town of Oro Valley	2
City of Page	1
City of Paradise Valley	1
City of Peoria	3
City of Phoenix	37
City of Prescott	1
City of Scottsdale	12
City of Sedona	1
City of Tucson	30
TOTAL	781

AFFILIATIONS

APAAC Council members and staff work closely with a number of national and Arizona-based organizations to maximize the resources available to prosecutors. Affiliate organizations include:

- **National Association of Prosecutor Coordinators (NAPC)** provides a 50-state forum for the exchange of ideas, information on the development of prosecutors through meetings and links to relevant online resources, as well as training in specific topical areas such as domestic violence and traffic.
- **National Association of Counties (NACo)** provides the county perspective in the national debate.
- **Arizona Association of Counties (AACo)** provides a statewide perspective on issues impacting county agencies.
- **National District Attorneys Association (NDAA)** was formed in 1950 by local prosecutors to give a focal point to advance their causes and issues at the national level. NDAA representatives regularly meet with the Department of Justice, members of Congress, and other national associations to represent the views of prosecutors to influence federal and national policies and programs that affect law enforcement and prosecution.
- **National Association for Justice Information Systems (NAJIS)** started in 1981 in Detroit, Michigan, as an outgrowth of a national effort to develop an automated case management system for prosecutors. Where NAJIS started as a prosecutor's IT user group, it grew into a multidisciplinary, criminal justice IT organization. In 2007, NAJIS became a federally recognized non-profit organization under section 501(c) (6), and the organization expanded its boundaries beyond prosecutorial, court, and justice related information sharing. Today, NAJIS represents government practitioners in various domains focused on the importance of data sharing best practices.
- **State Bar of Arizona** is a non-profit organization that operates under the supervision of the Arizona Supreme Court. The Bar regulates approximately 18,000 active attorneys and provides education and development programs for the legal profession and the public. The Bar and its members are committed to serving the public by making sure the voices of all people in Arizona are heard in our justice system.

FUNDING

A dedicated revenue stream comes from the community most likely to encounter the prosecutorial function-surcharges added to criminal fines and civil infractions related to driving and to certain game and fish violations. APAAC may also receive contributions, grants, gifts, donations, service or other financial assistance; APAAC then identifies grant-funded training and coordinates access to ensure statewide prosecutorial participation, including, where possible, tribal and Arizona-based federal prosecutors.

TRAINING

APAAC sponsors and pays the cost of seminars for both attorney and non-attorney staff. In addition to annual conferences dedicated to prosecutors, victim advocates, legal assistants, and support staff, APAAC also sponsors a wide array of training on topics such as trial advocacy, juvenile law, capital litigation, DUI, and domestic violence. APAAC staff also offers tailored training at individual offices. Where possible, technology is utilized to provide web-based delivery, saving on the travel time/costs, such as, our On Demand training programs. Non-APAAC training funds are targeted at providing access to nationally based programs, including, when possible, travel expenses. APAAC reimburses travel costs based on the standards for Arizona state government employees. APAAC trains nearly 2000 attendees each year for an annual average of 198 continuing legal education (CLE) hours.

	FY 2014	FY 2013	FY 2012	FY 2011	FY 2010
Attendees	2355	2036	2034	1839	1743
CLE Hours	236	265	229	227	191

COMMUNICATION

Data, cases, rule changes and case information are immediately distributed through email blasts to the prosecutor's desktop, thus, APAAC maintains the prosecutor contacts database. Through the website/social media and annual calendar, APAAC announces coming training attractions, shares information and pictorial reports of prosecutor-oriented events, and reports on relevant cases. APAAC's website also provides notice of prosecution office-related employment opportunities statewide, legislative information, and includes a secure site for prosecutors to discuss issues, share forms and experiences.

LAW STUDENT/ FELLOWSHIP PROGRAMS

APAAC funds fellowship programs at the state's law schools, encouraging a career in prosecution for a 3rd year law student who attends clinic classes and works as an intern in "rotations" through the local prosecuting agencies. Annually, a legislature extern is recruited from a local law school; the extern earns course credit while gaining hands-on experience with criminal justice advocacy.

Arizona Court System

Level 1—Limited Jurisdiction. Justice of the Peace courts and municipal (or city) courts have limited jurisdiction, meaning that their authority is restricted to certain cases. The cases these courts decide may be limited by the subject, the amount of money involved, or the sentence that can be imposed. They are non-record courts and do not have to make permanent records of court proceedings, although some courts do.

Municipal court judges (city or town magistrates) hear misdemeanor criminal traffic cases such as driving under the influence of alcohol, hit-and-run, and reckless driving where no serious injuries occur. They hear civil traffic cases, violations of city ordinances and codes, and issue Orders of Protection and injunctions prohibiting harassment. They can also issue search warrants. They do not hear civil lawsuits between citizens.

Justice courts hear traffic cases and certain criminal and civil cases, including domestic violence and harassment cases. They can issue search warrants. Their civil jurisdiction is limited to cases involving claims of \$10,000 or less. Justice courts share jurisdiction with the superior court in cases of landlord/tenant disputes where damages are between \$5,000 and \$10,000. They can hear matters regarding possession of, but not title to, real property. Disputes involving amounts greater than \$10,000 must be filed in the superior court.

Justice of the Peace Courts

88 Judges, 88 Precincts, 4-year terms

Apache	4	Mohave	5
Cochise	6	Navajo	6
Coconino	4	Pima	10
Gila	2	Pinal	8
Graham	2	Santa Cruz	2
Greenlee	2	Yavapai	5
LaPaz	3	Yuma	3
Maricopa	26		

Municipal Courts

154 Full- and Part-time Judges, varying terms

	<u>Judges</u>	<u>Courts</u>		<u>Judges</u>	<u>Courts</u>
Apache	3	3	Mohave	5	4
Cochise	5	5	Navajo	4	4
Coconino	5	4	Pima	17	5
Gila	7	6	Pinal	9	9
Graham	3	3	Santa Cruz	2	2
Greenlee	1	1	Yavapai	12	9
LaPaz	2	2	Yuma	5	4
Maricopa	75	23			

Level 2—General Jurisdiction. The general jurisdiction court is the Superior Court of Arizona, a statewide trial court. This court hears the widest variety of cases and keeps permanent records of court proceedings. Each county has at least one superior court facility, and it is referred to by its county location—for example, the Superior Court in Maricopa County. The superior court also serves as the court of appeals when a limited jurisdiction court case is appealed.

180 Judges, 4-year terms

Presiding Judge in each county

Apache	1	Greenlee	1	Pima	30
Cochise	5	LaPaz	1	Pinal	10
Coconino	5	Maricopa	98	Santa Cruz	2
Gila	2	Mohave	7	Yavapai	7
Graham	1	Navajo	4	Yuma	6

In addition to the judicial positions listed above, there are approximately 111 full-time and part-time judges pro tempore, commissioners and hearing officers in the Superior Court.

Level 3—Appellate Jurisdiction. The Court of Appeals and the Supreme Court are Arizona’s appellate courts. The state appellate courts have jurisdiction to review trials and decisions appealed to them. Most appeals heard by the two divisions of the Court of Appeals come from the superior court, except for death penalty appeals and some cases involving elected officials and disputes between counties, which go directly to the Supreme Court.

Supreme Court

5 Justices, 6-year terms

Chief Justice, Vice Chief Justice

3 Associate Justices

Court of Appeals

22 Judges, 6-year terms

Division I, Phoenix

Chief Judge & 15 Associate Judges

Counties: Apache, Coconino, La Paz,
Maricopa, Mohave, Navajo, Yavapai, Yuma

Division II, Tucson

Chief Judge & 5 Associate Judges

Counties: Cochise, Gila, Graham, Greenlee,
Pima, Pinal, Santa Cruz

HOW A CRIMINAL CASE BEGINS

There are three common ways to begin a criminal case: (1) the issuance of a citation; (2) the filing of a complaint; and (3) by grand jury indictment.

Citation

A police officer may issue a citation directly to a person for a misdemeanor offense. The citation will state the date and time that the person must appear in court.

Complaint

An officer may submit a police report to the prosecutor to review for possible misdemeanor and/or felony charges. If the prosecutor chooses to pursue charges, a complaint is filed which states the essential facts constituting the alleged crime(s), along with the relevant statutes. If the whereabouts of the accused is known, then a summons is issued which orders the person to appear in court on a particular day and time. Otherwise, a warrant is issued for the arrest of the person.

After a complaint is filed, the defendant is entitled to have a court determine whether or not there is probable cause that a crime has been committed and that the person is the one who committed it. A **Preliminary Hearing** is a proceeding where the State presents evidence through one or more witnesses. The defendant has the right to be present at the preliminary hearing and cross-examine the State's witnesses. If the court finds that probable cause exists, then the defendant is "held to answer" and the case proceeds.

Grand Jury Indictment

Charges may be brought against a person through the grand jury. The grand jury consists of 12-16 citizens, who have the power to inquire into any offense committed in the county. The State presents evidence to a grand jury through one or more witnesses. The defendant does not have the right to be present at the grand jury and may not cross-examine the State's witnesses. If the grand jury finds that there is probable cause that a crime has been committed and the accused is the person who committed it, then a "true bill" is issued and an indictment is filed. Similar to a complaint, an indictment states the essential facts constituting the alleged crime(s), along with the relevant statutes.

What is Brady Material?

The Basic Rule

The *Brady* rule, named for *Brady v. Maryland*, 373 U.S. 83 (1963), requires prosecutors to disclose materially exculpatory evidence in the government's possession to the defense. "Brady material" or evidence the prosecutor is required to disclose under this rule includes any evidence favorable to the accused-- evidence that goes towards negating a defendant's guilt, that would reduce a defendant's potential sentence, or evidence going to the credibility of a witness.

If the prosecution does not disclose material exculpatory evidence under this rule, and prejudice has ensued, the evidence will be suppressed. The evidence will be suppressed regardless of whether the prosecutor knew the evidence was in his or her possession, or whether or not the prosecutor intentionally or inadvertently withheld the evidence from the defense. The defendant bears the burden of proving that the undisclosed evidence was material, and the defendant must show that there is a reasonable probability that there would be a difference in the outcome of the trial had the evidence been disclosed by the prosecutor.

Material

Materiality is the most confusing aspect of the *Brady* standard. Many courts define materiality in terms of the standard the defense must meet to get a conviction reversed when a *Brady* violation is discovered after trial, and the issue is raised on appeal or at

post-conviction proceedings. In this context, materiality is usually defined as whether there was a reasonable probability that the result of the trial would have been different if the exculpatory material had been turned over before trial.

Other courts have recognized, though, that this standard is not really appropriate as a guide for whether information must be turned over before trial. Those courts have usually adhered to the language of *Brady*, *Bagley* and *Kyles*, all of which speak of the obligation to turn over anything that is relevant to guilt or punishment and is exculpatory or favorable to the defense.

Favorable

This simply establishes that *Brady* material consists of anything that is helpful to the defense at either the guilt or sentencing phase of a case. For example, assume that a robbery victim identified the defendant as one of two people who robbed him, but also told police that the defendant prevented the other robber from injuring him. This would be *Brady* material because it is relevant to mitigating punishment – even though it actually helps establish the defendant’s guilt.

It is essential to realize that as used in *Brady*, the terms “favorable to the accused” and “exculpatory” are not limited to evidence that goes towards proving that the defendant is innocent of the charges. *Brady* material is defined much more broadly, and the prosecution has the obligation to turn over many things that don’t directly go towards a claim of innocence.

For the purposes of *Brady* analysis, material that is favorable to the defense is anything that meets the following criteria:

Exculpatory

The most important thing to understand about the term “exculpatory,” is that it is not limited to things that prove the defendant did not commit the crime. Rather, it includes any information or material that might lead the jury to conclude that the defendant should be found not guilty of any of the crimes charged.

One constructive way of analyzing whether something is “exculpatory” is to look at the different general categories (or genres) of defenses in criminal cases, and ask whether the evidence helps establish any of those categories.

1. The criminal act never occurred. (Frame-up, for example)
2. The criminal act occurred, but the defendant was not the one who did it. (Alibi, for example)
3. The criminal act occurred, the defendant committed it, but it wasn't legally a crime. (Self-defense, for example)
4. The criminal act occurred, the defendant committed it, but it wasn't the crime charged. (Lesser included offense, for example)
5. The criminal act occurred, the defendant committed it, but he was not legally responsible. (Insanity, for example)

Any material that might help to establish any of these categories is *Brady* material, and must be disclosed. Moreover, it doesn't matter whether the defendant has committed to raising a defense with that information. As long as the material would help to establish a defense, it must be turned over, and it is for the defense lawyer to determine whether and how he or she wishes to use it.

Along the same lines, any material that is inconsistent with the prosecutor's theory of the case is *Brady* material, regardless of whether and how defense counsel is going to use that material.

Due process also requires disclosure of any evidence that provides grounds for the defense to attack the reliability, thoroughness, and good faith of the police investigation, to impeach the credibility of the state's witnesses, or to bolster the defense case against prosecutorial attacks. Kyles v. Whitley, 514 U.S. 419, 442 n.134, 445-451 (1995).

Mitigating

Information or material that mitigates sentence is:

1. Anything that supports any argument you are permitted to make at sentence in support of a less-than-maximum sentence.
2. Anything the courts in your jurisdiction have held to be a mitigating factor at sentencing.

Impeaching

Impeaching material is:

1. Anything that is inconsistent with the testimony of a State's witness. This might include prior statements of that witness, or any other information from any other source that is inconsistent with the witness' testimony.
2. Anything that is inconsistent with other prior statements of a State's witness.
3. Any statements omitting something the witness later told the prosecutor, or testified to. This covers the very common situation where a State's witness at trial "remembers" for the first time that the defendant confessed to him. When the witness has such a miraculous recovered memory, any prior statements the witness made that did not include the alleged confession become *Brady* material, and must be turned over immediately.

Within the Knowledge of Possession of Anyone Acting on Behalf of the State

The important thing to recognize about this requirement for *Brady* material is that it is not limited to things that are within the actual knowledge or possession of the individual prosecutor on the case. All of the following are included:

- Anything actually known to or in the possession of anyone in the prosecutor's office.
- Anything actually known to or in the possession of the police, even if the prosecutor doesn't know about it.
- Anything actually known to or in the possession of anyone else acting on behalf of the State, even if the prosecutor doesn't know about it.

The prosecutor is therefore prohibited from hiding behind the excuse that "I didn't know about that." If the material was within the knowledge or possession of anyone working on behalf of the prosecution, the State is considered to have constructive knowledge or possession of that material, and must obtain and turn it over to the defense pursuant to *Brady*.

More so, in *Kyles v. Whitley*, 514 U.S. 419, (1995), the U.S. Supreme Court explicitly said the individual prosecutor has an affirmative duty to learn of any favorable evidence known to the other people and agencies acting on the government's behalf on the case, including the police.

EXTERNAL SOURCES:

https://www.law.cornell.edu/wex/brady_rule

<http://www.ncids.org/Defender%20Training/2008%20New%20Felony%20Defender%20Training/BradyHandout.pdf>

<http://www.fangerlaw.com/understanding-legal-procedure.php>

<https://www.azcourts.gov/guidetoazcourts/>